

29 MAY 1996

PART 9

ADDITIONAL REQUIREMENTS FOR SERVICEMEMBERS BEYOND MILITARY  
CONTROL BY REASON OF UNAUTHORIZED ABSENCE

1. Determination of Applicability. If an officer authorized to separate under Administrative Board procedures, or higher authority, determines that separation is otherwise appropriate under this instruction, a member may be separated without return to military control in one or more of the following circumstances:

a. when absent without authority after receiving notice of initiation of separation processing;

b. when prosecution of a member who is absent without authority appears to be barred by the Statute of Limitations, article 43 of reference (b), and the statute has not been tolled by any of the conditions set out in article 43(d) of reference (b); or

c. when a member who is an alien, is absent without leave and appears to have gone to a foreign country where the United States has no authority to apprehend the member under a treaty or other agreement.

2. Notice. Prior to execution of a separation under paragraphs 1b or 1c of this enclosure, the member will be notified of the intended action by registered mail or certified mail, return receipt requested (or by an equivalent form of notice if such service by U. S. Mail is not available for delivery at an address outside the United States), to the member's last known address or to the next of kin under regulations prescribed by the Department of the Navy. The notice shall contain the matter set forth in the Notification Procedures (section B of Part 4) or the Administrative Board Procedures (section C of Part 4), as appropriate, and shall specify that the action has been suspended until a specific date (not less than 30 days from the date of mailing) in order to give the respondent the opportunity to return to military control. If the respondent does not return to military control by such date, the Separation Authority shall take appropriate action under paragraph A of Part 2.

3. Member of reserve component. Members of reserve components may be separated under Other than Honorable conditions only if processed by an Administrative Board composed of commissioned officers as provided in paragraph A1b of Part 5.

SECNAVINST 1910.4B  
29 MAY 1996

C. Sworn Affidavit of Service by Mail

State of \_\_\_\_\_  
County of \_\_\_\_\_

I, \_\_\_\_\_ (1) \_\_\_\_\_, being duly sworn,  
declare that I am the \_\_\_\_\_ (2) \_\_\_\_\_ of  
\_\_\_\_\_ (3) \_\_\_\_\_ and on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, I  
mailed the original notice, a true copy of which is attached  
hereto, by Certified Mail (return receipt requested) (or by an  
equivalent form of Notice if such service by U.S. Mail is not  
available outside the United States) to \_\_\_\_\_ (4) \_\_\_\_\_,  
that being the (last known address) and (next of kin address) at  
which official mail would be received by or forwarded to the  
member, by depositing the same in an official depository of the  
U.S. Postal Service at \_\_\_\_\_ (5) \_\_\_\_\_ in a securely  
wrapped and sealed U.S. Government official postal envelope with  
a PS 3811, Domestic Return Receipt, attached. A PS 3800, Receipt  
for Certified Mail attesting to this action is attached to this  
affidavit.

\_\_\_\_\_  
signature and rank of individual  
mailing notice

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
signature and rank of officer  
administering oath

Note: Two affidavits are required. One for that last known  
address and one for the next of kin address.

Blank	Enter
1	Name of individual who mails the notice
2	Job title (e.g., personnel officer, legalman, etc...)
3	Unit name (e.g., USS MERRILL, 1st Marine Div, etc...)
4	Full name and rank of respondent and complete last known mailing address and next of kin address
5	Location of post office where mailed